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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of:
Stephen B. Maguire

Group Art Unit: 1723

Serial No.: 10/066,338

Examiner:
David L. Sorkin

Filed: January 31, 2002

For: LIQUID COLOR PUMPING METHOD AND
SUPPLY APPARATUS

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RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to a paper received from the United States Patent and Trademark Office having a mailing date of 7 June 2004.

The paper received by applicant from the United States Patent and Trademark Office and having a mailing date of 7 June 2004 was apparently prepared by the examiner in response to applicant's paper styled "Amendment" which was dated 25 May 2004 and filed using the 37 CFR 1.8 Certificate of Mailing Procedure. Applicant believes the paper from the United States Patent and Trademark Office dated 7 June 2004 addressed applicant's Amendment

bearing a mailing date of 25 May 2004 despite the fact that the 7 June 2004 paper from the United States Patent and Trademark Office says in paragraph one that "an amendment was received by the USPTO 20 May 2004". Applicant presumes that this is a typical error since the amendment obviously could not have been received by the United States Patent and Trademark Office before it was sent by applicant.

In the 7 June 2004 paper, the examiner states (in the second sentence of paragraph three on page two) that "assuming applicant is referring to the declaration having a certification of mailing date of 12 March 2002, received by the USPTO 20 March 2002, the declaration to which applicant refers contains no priority claim whatsoever. No other declaration is of record."

Applicant respectfully submits that the examiner has erred in the examiner's reading of the declaration. The declaration contains the priority claim on page two thereof; the declaration is a three-page declaration.

Attached hereto for the examiner's convenience is a photocopy of the declaration which accompanied the paper entitled "Completion of Filing Requirements--Non-Provisional Application" filed using the Express Mail mailing procedure under 37 CFR 1.10 on 12 March 2002. Not only is the examiner's attention directed to page two of that declaration, to assist the examiner in finding the relevant language, the claim of priority has been highlighted in color.

In light of this, applicant respectfully submits that the priority claim is in proper form, that applicant's prior submission was in compliance with 37 CFR

1.78 and that this application should be accorded the benefit of the provisional application on which the priority claim is based.

We respectfully solicit reconsideration by the examiner of applicant's paper having the mailing date of 25 May 2004 and of applicant's paper having the 37 CFR 1.10 Certificate of Mailing dated 12 March 2002 and further solicit notification that the instant application has been accorded the benefit of the priority of the provisional application which is the subject of the priority claim set forth in those papers.

A response will be submitted to the outstanding office action in a timely manner.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,

Date: 16 June 2004




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CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 7450, Alexandria, VA 22313-1450.


(signature)
BY: RHONDA BRYANT
DATE: JUNE 16, 2004

